

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JERRELL JACKSON,

Defendant.

8:09CR271

ORDER

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Petition) regarding defendant Jerrell Jackson (Jackson) (Filing No. 52). On July 7, 2009, Jackson was ordered released upon conditions pending further proceedings (Filing No. 14). On February 26, 2010, Pretrial Services Officer Todd Beacom submitted a Petition alleging Jackson had violated the conditions of his release by being involved in a “shots fired” incident on February 23, 2010, and by associating with gang members and persons involved in drug or weapons trafficking. A warrant for Jackson’s arrest was issued.

Jackson appeared before the undersigned magistrate judge on March 4, 2010. He was represented by Assistant Federal Public Defender Julie B. Hansen, and the United States was represented by Assistant U.S. Attorney Frederick D. Franklin. After being advised of the nature of the allegations, his rights, and the consequences if the allegations were found to be true, Jackson admitted allegations 2 and 3 (association) of the Petition but denied allegation 1 regarding the “shots fired” incident. The court finds the allegations of the petition as to allegations 2 and 3 (association) are generally true and Jackson has violated the conditions of his release. The hearing was continued to March 9, 2010, to resolve allegation 1.

Jackson again appeared before the undersigned magistrate judge on March 9, 2010. He was represented by Assistant Federal Public Defender Julie B. Hansen, and the United States was represented by Assistant U.S. Attorney Frederick D. Franklin. Based on the proffer by the government, the court finds allegation 1 to be unsupported by the evidence.

The court took judicial notice of the Pretrial Services Violation Report. After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I found the Order Setting Conditions of Release should be revoked. Jackson has demonstrated he is unable to comply with rules of his release. However, the court requested Pretrial Services to screen Jackson for placement at CH, Inc.

The screening was completed and CH, Inc., rejected Jackson's placement at the CH, Inc., facility. Accordingly, Jackson will be detained pending his sentence scheduled for March 26, 2010, before Judge Laurie Smith Camp.

IT IS ORDERED:

1. The Petition For Action on Conditions of Pretrial Release (Filing No. 52) is granted.
2. The July 7, 2009, Order Setting Conditions of Release of Jerrell Jackson (Filing No. 14) is hereby revoked.
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 12th day of March, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge